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- 37A23MEMORANDUM SUBMITTED ON BEHALF OF THE  
JOINT LEGISLATIVE COMMITTEE OF THE  
RAILWAY TRANSPORTATION BROTHERHOODS.

Toronto, Ontario, April 19th, 1938.

Gentlemen:

This Memorandum is supplementary to the submission filed with your Commission on behalf of the Affiliated Railwaymen's Organization and is presented pursuant to our intimation given at the opening session on November 29th, 1937, namely, that representations would be made at a later date on behalf of the Joint Legislative Committee of the Railway Transportation Brotherhoods. We desire to deal particularly with two important phases of the subject of your inquiry: First, the heavy annual expenditures towards Ontario highways in comparison with the total revenues received and, second, the increasing hazard growing out of the construction, maintenance and operation of those highways, with a consequent impairment of human efficiency and the appalling destruction of life and property. From these and other facts submitted, the urgency for more restrictive regulations will be obvious. It is our sincere hope that the suggestions herein may be of practical assistance to your Commission in reaching final conclusions.

ANNUAL EXPENDITURES AND REVENUES.

First-hand information, no doubt, has been filed with your Commission by the Department of Government dealing with the annual highway expenditures for construction, maintenance and interest charges and, therefore, a comprehensive statement from us seems quite unnecessary at this time. However, we desire to emphasize the continuously mounting

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highway debt of Ontario outstanding which, at March 31st, 1937, is shown by the Dominion Bureau of Statistics as \$224,639,350. On this amount, interest charges of \$11,231,967 and payments on principal and sinking fund \$2,398,576 were made.

Expenditures on roads and bridges for new construction, improvement, maintenance, administration and general expenses for the year amounted to \$15,162,500. (This includes Dominion, Provincial and Municipal). Adding this to the interest charges and payments on principal and sinking fund, we find the huge expenditures on Ontario highways for the year ending March 31st, 1937 of \$28,793,043. For the same period, the total revenue received from registration and gasoline tax was \$27,194,813. This shows an expenditure over revenues of \$1,598,230.

Summary for three years. According to the figures published by the Transportation and Public Utilities Branch of the Dominion Bureau of Statistics, a summary of the total capital, maintenance, and general expenditures, including interest and payments on sinking fund, and of all revenues for three years ending March 31st, 1937 show:

<u>1934</u> (October 31st) - Expenditures.....	\$ 53,036,573
Total Revenue.....	<u>22,118,175</u>
Expenditures over Revenues.....	\$ 30,918,398
<u>1935</u> (December 31st) - Expenditures.....	\$ 40,055,504
Total Revenue.....(March 31, 1936)....	<u>24,405,547</u>
Expenditures over Revenues.....	\$ 15,649,957
<u>1936</u> (March 31, 1937) - Expenditures.....	\$ 28,793,043
Total Revenue.....	<u>27,194,813</u>
Expenditures over Revenues.....	\$ 1,598,230



This shows a three-year aggregate expenditures to Ontario highways over revenues of - \$48,166,585.

That the total revenues being collected from highway operation do not reflect a fair proportion of the total annual expenditures seems quite evident from the foregoing figures. This is particularly true of the motor vehicle using the highway for revenue purposes which, it will be readily conceded, is responsible for the greatest destruction to the streets and roads and, therefore, is the largest one factor in increasing the cost of highway maintenance and renewals. The steam railways, with which the commercial vehicle is competing for traffic, are required to maintain their lines for safe operation every day in the year with the various facilities to ensure a high standard of accommodation, entirely at their own expense; in addition they contribute annually millions of dollars in taxation. Therefore, it would seem to be an economic folly and manifestly unfair to continue to subsidize commercial highway users, whose enterprise is largely that of competing for profitable traffic which is so essential to the very life of steam railways - the only dependable means of transportation throughout every day in the year.

#### HIGHWAY HAZARD

With a total of 70,900 miles of highway in Ontario (1936) about 51,000 of which is surfaced road, coupled with the fact that 590,226 registered motor vehicles operate thereon (an increase of 26,150 over the previous year), there is presented a situation fraught with grave concern to highway users. These figures indicate an average of one registered motor vehicle for every 6.3 of the total of Ontario's



population. Everyone deplores the constantly increasing number of accidents, which have now reached a point which indicates that the construction, maintenance and operation of Ontario highways is the greatest industrial hazard within the Province. Statistics show that of the 11,580 deaths which occurred in Canada for the ten years ending December 1936, 5,046 deaths occurred in Ontario, with an annual average for the ten years of 504.6 The Annual Report of the Department of Highways for the year ending March 31st, 1936, shows 501 deaths and property damage amounting to \$1,084,085. It is becoming more and more evident that the increasing number of trucks and buses operating on the highways increases proportionately the accident hazard. The increasing accident experience, from whatever cause, constitutes a challenge to all public bodies and a collective responsibility to all our citizens to exert reasonable effort in the adoption of appropriate measures to minimize this awful destruction of human life and property.

Whilst statistics are not available showing the number of highway accidents actually caused by or attributable to the operation of trucks and buses, the Board of Railway Commissioners maintain and publish records showing the number of accidents at level crossings caused by trucks failing to observe approaching trains. This record shows that in the four years, ending December 31st, 1937, a total of 106 accidents occurred in Ontario at level crossings, chiefly because the driver of the truck failed to see or hear the approaching train or tried to beat it to the crossing. Sometimes he was not successful. Following is a record showing the month in which accident occurred, and the license numbers of the cars involved:



RECORD of accidents occurring between trains and trucks in the Province of Ontario, shown in Judgments, Orders, Regulations and Rulings of the Board of Railway Commissioners for Canada.

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Feb. 15, 1934

Truck ran into side of train - License 23978-C.  
" driver failed to see or hear train - License 45986-C.

May 1, 1934

Truck ran into side of train - License 33641-C.

July 15, 1934

Truck driver failed to take precautions - C-66691.  
" " attempted to beat electric car over crossing - 40-866-C.

Sept 1, 1934

Ran into side of train - 47676-C.  
View obstructed by cars on track - 40433-C.

Nov. 1, 1934

Two truck drivers failed to see or hear train - 8486-C - 25955-C.

Nov. 15, 1934

Truck driver attempted to beat train - 3330-C.

Dec. 15, 1934

Four truck drivers failed to see or hear train - C-29669; 49727-C;  
15838-C; 24413-C.  
Gross carelessness of driver - 38406-C.

Jan. 15, 1935

Two trucks ran into side of train - 16065-C; 51-480-C.

Feb. 15, 1935

Two trucks ran into side of train - 30164-C; 25191-C.

March 15, 1935

Truck drivers failed to see or hear train - 2718-C; 51229-C.  
Engine moving back on hand signal intended for truck - 51062-C.



April 15, 1935

Truck ran into side of train - 58-736-C.

May 15, 1935

Two truck drivers ran into side of train - 44773-C; 21523-C.

Two truck drivers failed to see or hear train - 27839-C; 52-480-C.

Ran through gates in lowered position - 32940-C.

June 15, 1935

Ran into side of train - 20350-C.

July 1, 1935

Excessive speed of truck - 47054-C. - (This was a truck loaded with drums of gasoline, which took fire burning engineer and fireman to death, and also killed truck driver.)

Sept. 1, 1935

Truck driver failed to see or hear train - 53918-C.

Sept. 15, 1935

Truck driver failed to see or hear train - 46549-C.

Reckless driving. Section Foreman failed to comply with Rule 18 - 55427-C.

Nov. 1, 1935

Defective brakes on truck - 49832-C.

Auto truck - 9495-C.

Dec. 1, 1935

Ran into side of train - 11142-C. (F. Goy, address not shown)

Defective brake on truck - 54730-C. (R. Portanen, address not shown)

Dec. 15, 1935

Two drivers failed to see or hear train - 60488-C. (B. Huffman, Front St., Trenton). 52212-C. (Wm. Kent, Fort William).

Ran into side of train - 3813-C (Ed. Sherriff, 297 Withrow Ave., Toronto).

Jan. 1, 1936

Ran into side of train - 24831-C.

Driver failed to see or hear train - 33935.



Feb. 1, 1936

Ran into side of train - 17564-C. (J. Ungerma, address not given)  
Driver failed to look for train - 31557 - (B. M. Wallace, Bellamy)

March 1, 1936

Four failed to see or hear train-38664-C (S. McCullough - no address given)  
46607-C - (M. Tindell, Claremont, Ont.)  
63584-C - (J. Edwards, Brantford, Ont.)  
40016-C - (L. Dietrick, 58 Queen St., Waterloo)

April 1, 1936

Two ran into side of train - 63503-C - W. L. Robinson, R.R. 1, Canfield)  
45635-C - (Geo. Hammett, Mt. Albert, Ont)  
Driver disregarded signals by wigwag, ran onto track ahead of train - 10737-C - (S. Doyle, Toronto, Ont.)  
Attempted to stop, but skidded onto track - 47227-C (S. S. Harrison, 134 Rubridge St., Peterborough, Ont.)

May 1, 1936

Ran into side of train - 52-126-C - (S. Karasiewuz, Roslyn, Ont.)  
Ran onto crossing ahead of train and was struck - 17770-C - (C. Norgard, Evans Ave., Islington, Ont.)

June 1, 1936

Ran into side of train on crossing - 22041-C (B. Holdsworth, 465 Peel St., Woodstock.)

July 1, 1936

Driver failed to see engine in time to avoid being struck - 33-184-C - (B. Lawson, Brockville.)

Aug. 15, 1936

Two drove onto crossing in front of train - 61127-C; 68703-C - (John Barreault, Warren - Eddy Hounslow, Brantford, Ont.)  
Driver focussing his attention on train in one direction, and was struck by train from opposite direction - 32499-C - (J. W. Craig, Belleville Rd., Napanee.)

Oct. 1, 1936

Driver ran into side of train - 60550-C - (Mrs. Violet Smith.)



Nov. 1, 1936

Two ran into side of train - 6354-PC - (J. L. Phillips, Tweed, Ont.)  
 39197-C - (Wm. Ford, Elora, Ont.)  
 Three drove onto crossing in front of train and were struck -  
 60816-C (J. Williams, Sudbury, Ont.) No license given (W. G.  
 Coughler, Wales, Ont.) 9311-C (David Ross, 347 Shaw St., Toronto,  
 Ont.)

Dec. 1, 1936

Drove onto crossing in front of train (License not given).

Jan. 1, 1937

Stalled or brought to stop on crossing - 61720-C. (A. Gross, North  
 Bay).  
 Reckless driving on part of truck driver - 73-265-C (G. Palamides,  
 Windsor).  
 Defective brake - 35-880-C (D. C. Sniveley, Waterford).

Jan. 15, 1937

Excessive speed; skidded into side of train - 44-423-C (John Ritchie).  
 Two trucks ran into side of train - 56-022-C. (L. Gosselin, Ft.  
 Frances).  
 2-797-C. (G. Vanderberg, jr., Ft. Frances).  
 Driver attempted to beat train - 42-782 (Carl Pietrashke).  
 Driver disregarded bell and wigwag - 4907 - (Manly Dawson, Kingsville).  
 Driver failed to take precautions; drove onto crossing in front of  
 train and was struck - 19-156-C. (No name or address given).  
 Unable to stop; skidded onto crossing in front of train - 43-131-C.  
 (C. A. Fleet).

Feb. 15, 1937

Ran into side of train - 5555-C.  
 Driven onto crossing in front of train, and struck by same - 49613-C.  
 Driver failed to heed bell and light; struck by train - 34873-C.

March 15, 1937

Two driven onto crossing in front of train and struck - 44-274-C;  
 49-008-C.

April 15, 1937

Two ran into side of train 39-960-C; 52-316-C.

May 15th, 1937

Attempted to beat train - C-7556.  
 Drove onto crossing in front of approaching train - 24-563-C.



July 1, 1937

Drove onto crossing in front of train, and was struck - 33972-C.  
Driver failed to see or hear train and was struck - 67058-C.

July 1, 1937

Drove onto crossing in front of train and was struck - 33972-C.  
Driver failed to see or hear train, and was struck - 67058-C.

Aug. 1, 1937

Disregarded bell and wigwag signals, and drove onto crossing in front of train - 39-060-C.

Sept. 1 1937

Failed to observe approaching train; drove onto track in front of same; license plate not found - 31-739-C.

Sept. 15, 1937

Excessive speed - 31-674-C.  
Ran into side of train - 28-474-C.  
Truck ran into side of train - excessive speed of truck - Ont. 50003.  
Truck ran into side of train - 75256-C.

October, 1937

Truck ran onto lowered crossing gates, Main Street, Jarvis.  
Truck collided with standard of crossing gate damaging same - 38375-C.

November, 1937

Truck stalled on crossing in front of approaching train and was struck - 57412-C.  
Truck drove onto crossing in front of approaching train and was struck - 3900-C.  
Gasoline truck drove onto crossing in front of approaching train and was struck - 3383-C.  
Truck ran into side of train - 6217-C.  
Truck drove onto crossing in front of approaching train and was struck - 19990-C.  
Truck drove onto crossing in front of approaching train and was struck - 35-339-C.

December, 1937

Truck drove onto crossing in front of approaching train and was struck - 33545-C.



Truck driver attempted to beat train over crossing - 74285-C.  
Truck drove onto crossing in front of approaching train and was struck  
- 76450-C.

In view of the accidents listed above and the implied causes to which they may be attributed, it would appear imperative that early steps be taken to definitely ensure a higher standard of qualifications for drivers of motor vehicles, greater efficiency in braking and other equipment of such vehicles, and that trucks and buses be required to stop before passing over level crossings with steam railways, as now required of drivers by many large operators. The fact that these accidents recorded by the Board of Railway Commissioners are known to have occurred at level crossings, whether from human or mechanical deficiency, or both, it must be assumed that an equal or even greater number have occurred, elsewhere than at level crossings, over the route on which they operated. We fully recognize and desire to commend the valuable campaign which has been carried on by the Highway Department of Ontario whose officers seem to have been unremitting in their efforts to minimize the accident hazard. We are persuaded, however, that even more drastic measures must be taken if the impairment of human efficiency and the awful destruction of life and property are to be retarded.

#### HIGHWAY REGULATION A NATIONAL NECESSITY

That effective control and more rigid regulation of motor vehicle service on the highway will be in the public interest, should be readily conceded. Such control and regulation seems essential, not only to eliminate destructive competition with the steam railways and even within the highway transport enterprise itself, but primarily for the conservation of human life. To those who have



followed closely our highway development, it should be quite apparent that a lack of orderly and effective regulation, in addition to the huge annual expenditures, capital, maintenance and interest charges, have produced a disproportionate increase in the heavy burden placed upon the taxpaying public. Therefore, in respectfully urging your Commission's consideration of this important subject, we are approaching it now as always, not only on behalf of railway labour, but also as representative taxpayers. Whilst fully recognizing the benefits and advantages to the various communities resulting from the improvement of our highway system and the use of the motor vehicle thereon, nevertheless, we are persuaded that the heavy annual highway subsidies and the ineffective regulation and restriction of competitive transport agencies constitutes one of the major factors contributing to our national transportation problem. This problem, we submit, presents a challenge to all Government bodies - Federal, Provincial and Municipal, without whose sympathetic and practical co-operation no effective solution can be reached or fair and orderly transport services maintained.

Although the regulation of highway services, including the collection of revenues therefrom, falls within the legislative competence of Provincial Governments, it is becoming more and more generally recognized that motor vehicle road transport has a distinct Federal or national aspect, inasmuch as considerable of that service, especially in inter-provincial operation, invades the field of public service which may be regarded as "a work for the general advantage of Canada." Inter-provincial operation of motor trucks and buses has become



an everyday occurrence throughout Canada, for at least six or seven months of the year, and many of these common carriers are also engaged in international service. Therefore, it is respectfully urged that the Ontario Government lend its influence in support of the principle of regulating highway traffic by constituting some central Government authority, preferably representative of both Federal and Provincial Governments. This should ensure a more orderly and effective regulation and control over all forms of highway transport service, in addition to ensuring the maximum degree of practical uniformity as between the various Provinces. Quite obviously, if such regulations are to be effective, equitable treatment must be accorded in matters of taxation, standards of efficiency and reliability of service, working conditions, including hours of labour and operating qualifications, together with provision for the maximum of safety in such service.

The above suggestion for highway regulation under some central Government authority is given substantial support in the following declaration made in the Report of the Royal Commission on Railways and Transportation under the caption of "Competition from other Transport Agencies":

"The federal and provincial governments in co-operation should, however, examine this question of the regulation and taxation of road motor vehicles with a view to equalizing the conditions under which road and rail transport is carried on, and to securing uniformity throughout the Dominion. A joint inquiry in which both federal and provincial governments were represented should enable a measure of agreement to be reached upon the general principles which should govern the regulation and taxation of motor vehicles using the public highways. The administration and adoption from time to time of the agreed principles of road transport might be left to a consultative committee consisting of representatives of the various provincial governments and of the federal governments.''



"UNIFORMITY CONSIDERED DESIRABLE"

The desirability for uniform legislation and regulation covering the operation of highway vehicles used in the transportation of passengers and freight for hire for all provinces, seems to have been the objective of those representatives attending the Federal-Provincial Conference held at Ottawa in December, 1935. The conclusions reached by that Conference produced the following eleven recommendations, a number of which have since been implemented by legislation or regulation in several of the Provinces:

"(1) That the Minister of Transport arrange to collect information regarding rates prescribed or charged by public carriers of freight and passengers in the various provinces and rates charged by the railway companies and communicate such information to the provinces to the end that a fair and equitable basis may be arrived at for the establishing of uniform rates for highway transportation of passengers and freight.

(2) That the principle that carriers of passengers and freight for hire shall be required to carry insurance covering all risks be endorsed.

(3) That operators of vehicles for the transportation of passengers and freight for hire be required to keep accounts of their operations and to submit returns to the provincial authority in such form and at such intervals as may be required.

(4) That legislation be enacted by the provinces limiting the hours of labour of drivers of vehicles used in the transportation of passengers or freight for hire.

(5) That in the interests of public safety a standard of fitness should be required of all vehicles used in the transportation of passengers or freight for hire.

(6) That in the interests of public safety a standard of physical fitness as evidenced by a certificate of a medical practitioner be required of all drivers of vehicles used in the transportation of passengers or freight for hire.

(7) That a license should be granted for the operation of vehicles for the transportation of passengers or freight for hire when it can be proved to the licensing authorities that the service proposed is a public necessity and convenience.



(8) That every province establish a fair standard of wages to be paid to the drivers of vehicles used in the transportation of passengers or freight for hire.

(9) That with a view of securing a uniform act for all provinces covering the operation of vehicles used in the transportation of passengers and freight for hire the Department of Transport secure the legislation and regulations now in existence dealing with such vehicles and submit this information to the various provinces.

(10) That valuable services can be rendered to every province in Canada if a permanent committee consisting of representatives of the provinces be set up with the secretary established in the Department of Transport, whose office would collect and distribute data relative to legislation and regulations in effect or contemplated in various jurisdictions.

(11) That the principle of securing basic uniformity and comparability in the matter of road transport statistics be endorsed by his conference, and that instructions be issued to the Dominion Bureau of Statistics to proceed with the discussion of a detailed plan with the Provincial authorities to the end of meeting what has become both a provincial and national necessity."

Particular emphasis should be placed on the seventh paragraph, above quoted, which recommends -"That a license should only be granted for the operation of vehicles for the transportation of passengers or freight for hire where it can be proved to the satisfaction of the licensing authorities that the service proposed is a public necessity and convenience." As announced in May last, the New Brunswick Motor Carrier Board insists that the following points must be considered when dealing with applications for bus and truck franchises: "NECESSITY FOR SERVICE AS A CONVENIENCE TO THE PUBLIC." "QUALITY AND PERMANENCE OF SERVICE OFFERED." "EFFECT OF ALL THE FRANCHISES SOUGHT UPON EXISTING SERVICES, WHETHER MOTOR CARRIER, RAIL OR WATER." "FINANCIAL RESPONSIBILITY OF APPLICANT." We believe that strict adherence to these important points by all licensing authorities would be a progressive step towards a more effective and orderly regulation of commercial highway carriers.



## CONCLUSIONS AND RECOMMENDATIONS.

For some years past, the representatives of railway labour organizations have been actively interested in the regulation of unfair competition with the steam railways which include commercial motor vehicle traffic, as well as other subsidized forms of competitive transport. We have consistently advocated legislative and regulatory measures designed to improve the standard of efficiency and safety in highway transportation and to equalize the opportunity as between motor vehicle and steam railway services. Some Provincial Governments and Highway Departments have shown a keen interest in the representations made from time to time and by legislative enactment have made considerable progress towards regulating commercial motor vehicles. As already intimated, in certain territories applications for franchise to operate motor buses and trucks have been refused where it is known the railways provided and were willing to continue satisfactory and dependable transportation services. Provincial regulations, however, seem to be entirely inadequate as to effective control and supervision. They do not impose equitable taxation on the user of the highways for revenue purposes, are not uniform throughout the Dominion and are not sufficiently restrictive to prevent a duplication of bus and truck service in territory amply served by the railways. This should not be interpreted as, in any way, opposed to necessary and properly regulated bus and truck services as a public convenience. On the contrary, we fully recognize the many advantages from that service. However, that the steam railways are well equipped to furnish reliable and efficient service throughout every day in the year, under the most adverse climatic



conditions, is now generally recognized as a national necessity. The public demand for progressive improvement in that service is ever growing. Therefore, we respectfully urge upon your Commission favourable consideration of the following recommendations which have previously been submitted to all Provincial Governments in Canada:

- "(1) THAT all buses and trucks operating within Canada be placed under the control, administration and supervision of a transport commission (with like powers of the Board of Railway Commissioners for Canada) requiring operation under conditions similar to those imposed upon the railways, especially with regard to the fixing of rates, tariff charges, accommodation and facilities for passengers and shippers, etc.
- (2) THAT measures be taken for the elimination of destructive competition caused by duplicating highway services; for the classified licensing of all commercial vehicles within prescribed areas; restrictions against the discontinuance of any licensed highway services without giving public notice and subject also to the approval of competent authority.
- (3) THAT all common carriers using the highway for revenue purposes be taxed on a basis commensurate with the use they make of the highways, having due regard to the costs of construction and maintenance, including interest on bonded indebtedness.
- (4) THAT owners be required to furnish guarantee of sufficient financial responsibility to ensure the payment of any claims for damages which may be legally assessed against them.
- (5) THAT no bus or truck be permitted to operate on the highways for revenue purposes where adequate transportation facilities already exist, or where the steam railways can and are willing to provide these facilities and services.
- (6) THAT in the interest of safety, operators of all motor vehicles be required to pass a qualifying physical examination, particularly regarding visual acuity, color perception and hearing; also that restrictive measures be effected to prevent excessive hours on duty of all operators of motor vehicles.
- (7) THAT commercial motor vehicles be restricted to a reasonable maximum tonnage, limited to the hauling of but one trailer and also restricted to standard width and height of construction to be fixed by competent authority.



(8) THAT uniform legislation be enacted to ensure reasonable standards in regard to working conditions, including wages and hours of labour in highway motor vehicle operation; also safe and modern equipment for all such vehicles, together with adequate periodic inspection thereof.

(9) THAT early steps be taken to adjust any constitutional questions which may be involved in reaching a basis from which to formulate uniform regulations governing motor vehicles on the highways throughout Canada.

(NOTE: Request has been made of the Federal Government, on more than one occasion, to amend the British North America Act to empower the Federal Parliament to deal effectively with the regulation of all transport agencies as works for the general advantage of Canada. In this the co-operation of the several Provinces has been respectfully solicited.)

(10) THAT early consideration be given to the desirability of constituting a board, committee or commission to carry on a continuous study of the ever-changing transportation problem with the primary object of conserving and protecting the human element involved; also to consider appropriate measures to safeguard, as far as may be practicable, the transportation interests of all concerned."

The foregoing is respectfully submitted on behalf of-

THE JOINT LEGISLATIVE COMMITTEE  
OF THE RAILWAY TRANSPORTATION  
BROTHERHOODS.

TORONTO, April 19th, 1938.





